IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 14545 of 2004**

Between:

Santhoshimatha Sambhavana Sangam Chilpakunta Village rep by Smt. B. Jayalaxmi W/o Satyanarayana Sangam, R/o Chilpakuntla Village Noothankal Mandal, Nalgonda District (AP)

**..... PETITIONER**

AND

1 The Revenue Divisional Officer, Suryapet, Nalgonda District
2 Mandal Revenue Officer, Noothankal Mandal, Nalgonda District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in calling for applications in Notification No. D/937/04 dated 29-7-2004 for appointment as Fair Price Shop Dealership as illegal, arbitrary unreasonable, violative of principles of natural justice and consequently set a side the same.

**Counsel for the Petitioner: MR.A.RAVINDER REDDY**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court at the stage of admission made the following Order:**

On the basis of the material on record, it is clear that the appointment of the petitioner-Santhoshimatha Samabhavana Sangam as Fair Price Shop Dealer of Chilpakuntla Village, Noothankal Mandal, Nalgonda District was only on temporary basis. However, the only contention raised is that, since the authorisation issued in favour of the petitioner was extended up to the year 2005, the vacancy cannot be notified, as long as the petitioner's authorisation is subsisting.

The law is well settled that the temporary dealer does not acquire any right for appointment on permanent basis. The appointment being purely on temporary basis, it ceases to be valid automatically when once the vacancy is notified and permanent appointment is made following due process of law. The authorisation issued to the dealer is only for the purpose of obtaining and supplying the scheduled commodities in accordance with the provisions of the Control Orders and it does not confer any right to continue as dealer when the appointment itself ceases to be valid.

In the circumstances, I do not find any merit in the writ petition.

Accordingly, the writ petition is dismissed. However, it is made clear that it is open to the individual members of the petitioner Society to apply in pursuance of the impugned notification, in which event, the respondents shall consider the same along with the other candidates. No costs.

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25-10-2004

kdl

To

1 The Revenue Divisional Officer, Suryapet, Nalgonda District
2 Mandal Revenue Officer, Noothankal Mandal, Nalgonda District.

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad (OUT).

4 Two C.D. Copies.